

**REMARKS**

The specification has been amended to add headings. New drawings are submitted herewith. Claims 19 and 37 have been amended. Claims 19 - 37 are currently pending in the present application.

In the Office Action, the specification is objected to. Furthermore, in the Office Action, the drawings are objected to. Also, in the Office Action, claims 19, 21 - 25, 27, 28, and 31 - 37 are rejected under 35 U.S.C. §102(b) as being anticipated by Anderson US Patent No. 2,385,961. Additionally, in the Office Action, claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson US Patent No. 2,385,961 in view of Parera US Patent No. 3,733,749. Moreover, in the Office Action, claims 20, 26, and 30 are objected to but would be allowable if rewritten in independent form.

**The Objection to the Specification**

With regard to the objection to the specification, the specification has now been amended to add headings.

**The Objection to the Drawings**

In the Office Action dated July 21, 2009, the drawings are objected to. With regard to the drawing objection, Applicants have provided a new Figure 5 of the drawings showing these features on the opposing side of the door and has amended the specification to mention new Figure 5 of the drawings.

**The Present Invention**

The present invention relates to a refrigerator that, as exemplarily set forth in independent claim 19 as currently amended, for example, includes a housing having a door safety catch. As set forth in claim 19 as currently amended, the housing has at

least two housing parts, including a body and at least one door, and the housing encloses a heat-insulated interior compartment. The door safety catch includes a catch element pivotably mounted against a restoring force on a first one of the body housing part or the door housing part and a projection mounted on a second one of the body housing part or the door housing part and cooperating with the catch element. The door safety catch further includes a shaft about which the catch element can be pivoted mounted in the first one of the body housing part or the door housing part while crossing a side wall of the first one of the body housing part or the door housing part.

In conventional door safety catches for refrigerators, a bearing is provided that itself is mounted to the refrigerator door or body and the shaft of the catch element is retained in this bearing. Considerable forces act on this bearing when opening and closing the refrigerator door. If the bearing is, in particular, configured as a plastic housing shell, the bearing can be damaged and even destroyed in extreme cases. On the other hand, the shaft of the catch element according to the present invention is mounted so that it crosses a side surface of the respective door or body of the refrigerator on which the catch element is mounted, whereupon considerable forces acting on the shaft can be introduced into this respective door or body of the refrigerator and corresponding reduction in stresses on a housing shell can be achieved as well as a reduction of the mechanical loading capacity demands imposed on the housing shell.

The present invention, in another aspect thereof as set forth in independent claim 37 as currently amended, relates to a refrigerator that includes a housing having a door safety catch. As set forth in claim 37 as currently amended, the housing has at least two housing parts, including a body and at least one door, and the housing encloses a heat-insulated interior compartment. The door safety catch includes a catch element pivotably mounted against a restoring force on a first one of the body housing part or the door housing part and a projection mounted on a second one of the body housing part or the door housing part and cooperating with the catch element. The door safety catch further includes a shaft about which the catch element can be pivoted mounted in the first one of the body housing part or the door housing part while crossing a side wall of the first one of the body housing part or the door housing part. As recited in

independent claim 37 as currently amended, a section of the shaft engaging in the first one of the body housing part or the door housing part is received by a receiving portion in the side wall of the first one of the body housing part or the door housing part.

The two independent claims 19 and 37 have each been amended to clarify that the catch element of the door safety catch is mounted to a first one of the body housing part or the door housing part and the projection of the door safety catch is mounted to a second one of the body housing part or the door housing part. For example, the embodiment of the door safety catch 1 disclosed in the specification of the present application includes a catch element 7 fixed to the door housing part – namely, the door 3 – and includes a projection in the form of a tab 12 mounted to the body housing part – namely, the body 2.

**The Rejection of Claims 19, 21 - 25, 27, 28, and 31 - 37 as Anticipated by Anderson US Patent No. 2,385,961**

The Office Action rejects claims 19, 21 - 25, 27, 28, and 31 - 37 under 35 U.S.C. §102(b) as being anticipated by Anderson US Patent No. 2,385,961 for the reason that Anderson US Patent No. 2,385,961 allegedly discloses a refrigerator having the features recited in the rejected claims. Favorable reconsideration of claims 19, 21 - 25, 27, 28, and 31 - 37 is respectfully requested in view of the amendment of claims 19 and 37 and the following comments.

Anderson US Patent No. 2,385,961 discloses a refrigerator having a door safety catch.

It is respectfully submitted that Anderson US Patent No. 2,385,961 does not teach or disclose the refrigerator having a door safety catch of the present invention. For example, Anderson US Patent No. 2,385,961 does not teach or disclose that its door safety catch includes a catch element pivotably mounted against a restoring force on a first one of the body housing part or the door housing part, a projection mounted on a second one of the body housing part or the door housing part and cooperating with the catch element, and a shaft about which the catch element can be pivoted mounted

in the first one of the body housing part or the door housing part while crossing a side wall of the first one of the body housing part or the door housing part. This can be seen from the description of Anderson '961 rendered in the terms of the claims of the present application as set forth on Page 3 of the Office Action. To wit: "Anderson teaches a refrigerator (Fig. 1) comprising: a housing (1,7) having at least two housing parts, including a body (1) and at least one door (7) hinged to the body; the housing enclosing a heat-insulated interior compartment; the housing having a door safety catch (see Fig. 3) including a catch element (38,28,35) with two sloping faces (on 35 adjacent 38) pivotably mounted against a restoring force (spring 34,40) on a first housing part (the door and its features) and a projection (4-6) with two sloping faces (on 5 and 6) mounted on a second housing part (the body) cooperating with the catch element; and a shaft (27) about which the catch element can be pivoted mounted in the first housing part while crossing a side wall (top wall 24 or top wall of the door) of the first housing part. The catch element is located in the housing (in housing 24-26 of the first housing part/door and in the door housing) and also the projection is fixed on a door bearing (3). Furthermore, a section of said shaft (top end portion) engages a side wall (24) of the first housing part via a receiving portion (opening)."

With reference to this just-noted description of Anderson '961 rendered in the terms of the claims of the present application, it can be seen that the "shaft" 27 is mounted to the "door housing part" 7 of the Anderson '961 refrigerator. However this "shaft" 27 is not, in language of either independent claim 19 or claim 37 of the present application, "a shaft about which the catch element can be pivoted mounted in the first one of the body housing part or the door housing part while crossing a side wall of the first one of the body housing part or the door housing part." Instead, the "shaft" 27 of the Anderson '961 refrigerator is mounted to the "door housing part" 7 by virtue of the "shaft" being retained in the housing of sheet metal having spaced parallel sides 24 and flanges 26 with this housing, in turn, being mounted to the door 7 via screws passed through slotted openings of the flanges 26. Thus, the "shaft" 27 of the Anderson '961 refrigerator does not cross any side wall of the door 7. The Anderson '961 arrangement thus leads to the disadvantages noted above with respect to conventional door safety

catches for refrigerators, whereby the bearing such as the housing of sheet metal having spaced parallel sides 24 and flanges 26 of the Anderson '961 arrangement are subjected to stresses that may damage or even destroy the bearing.

For these and other reasons, it is submitted that the prior art of record does not disclose the subject matter defined by independent claims 19 and 37. Therefore, claims 19 and 37 are allowable. Also, claims 21 - 25 and 27, 28, and 31 - 36 depend ultimately from claim 19 and are allowable for the same reasons that claim 19 is allowable and also because they recite additional patentable subject matter.

The Rejection of Claim 29 Under 35 U.S.C. §103(a) as Unpatentable Over Anderson US Patent No. 2,385,961 in View of Parera US Patent No. 3,733,749

The Office Action rejects claim 29 under 35 U.S.C. §103(a) as being unpatentable over Anderson US Patent No. 2,385,961 in view of Parera US Patent No. 3,733,749. Favorable reconsideration of claim 29 is respectfully requested in view of the amendment of claim 19 from which claim 29 ultimately depends and the following comments.

As noted, Anderson US Patent No. 2,385,961 discloses a refrigerator having a door safety catch.

Parera US Patent No. 3,733,749 discloses reversible hinges between a door and a housing part.

It is respectfully submitted that neither Anderson US Patent No. 2,385,961 nor Parera US Patent No. 3,733,749, alone or in combination, teach or disclose the refrigerator having a door safety catch of the present invention. For example, Anderson US Patent No. 2,385,961 does not teach or disclose that its door safety catch includes a catch element pivotably mounted against a restoring force on a first one of the body housing part or the door housing part, a projection mounted on a second one of the body housing part or the door housing part and cooperating with the catch element, and a shaft about which the catch element can be pivoted mounted in the first one of the body housing part or the door housing part while crossing a side wall of the first one of

the body housing part or the door housing part. Parera US Patent No. 3,733,749 does not overcome the deficiencies of Anderson '961 and it is thus submitted that neither Anderson US Patent No. 2,385,961 nor Parera US Patent No. 3,733,749, alone or in combination, teach or disclose the refrigerator having a door safety catch of the present invention as recited in claim 29.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 19 - 37 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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